

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JOHN LEWIS DAVIS,

Plaintiff,

v.

Civil Action No. 2:08-1143

MS. VICKI GREENE and
DR. ANTOINE KATINY and
VICKI SMITH A.P. R.N. BC,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b) (1) (B) .

The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on August 24, 2009. The magistrate judge recommends dismissal of plaintiff's complaint. The magistrate judge further recommends that plaintiff's renewed Application to Proceed Without Prepayment of Fees and Costs be denied. The plaintiff has not objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct.

Following a de novo review, it is, accordingly, ORDERED as follows:

1. That the Proposed Findings and Recommendation be, and it hereby is, adopted by the court;

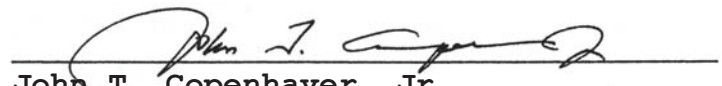
2. That the Motions to Dismiss or, in the alternative, for Summary Judgment filed by defendants Dr. Antoine Katiny and Vicki Greene and the Motion to Dismiss filed by defendant Vicki Smith be, and they hereby are, granted;

3. That plaintiff's Application to Proceed Without Prepayment of Fees and Costs be, and it hereby is, denied; and

4. That this action be, and it hereby is, dismissed with prejudice.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: September 18, 2009


John T. Copenhaver, Jr.
United States District Judge